

REMARKS/ARGUMENTS

Claims 1, 4, and 54 have been amended to correct typographical errors as pointed out by the Examiner. Claims 1, 4, 18, 22, 45, 48-51, and 54-57 are pending.

A. Rejection of Claim 52:

The Examiner rejected claim 52 under 35 U.S.C. 102(a) as being anticipated by either Christ (U.S. Pat. No. 6,089,816) or Scott (U.S. Pat. No. 5,234,307). The Applicant respectfully traverses the above rejections. Under the sixth paragraph of 35 U.S.C. §112, for a means-plus-function limitation to read on a device, the device must employ means identical to or the equivalent of the structure material, or acts described in the patent specification ... [and] must also perform the identical function as specified in the claims. *Valmont Industries, Inc. v. Reinke Mfg. Co., Inc.*, 25 USPQ2d 1451, 1454 (Fed. Cir. 1993). In this regard, the element recited in claim 52 does not read on the references cited by the Examiner. For instance, Scott and Christ do not teach the “means” recited in claim 52 because Scott nor Christ describe a dolly as illustrated in the present application to lift the first wheel off a ground. Note that Scott teaches using a three wheeled motorcycle dolly that is different from the dolly described in the present application; while Christ teaches a load cart that is also different from the dolly described in the present application. Accordingly, claim 52 is in condition for allowance.

B. Rejection of Claims 1, 4, 22, 45, 48-51, and 54-57:

The Examiner rejected claims 1, 4, 22, 45, 48-51, and 54-57 as being obvious under 35 U.S.C. 103(a) based on Nekola (U.S. Pat. No. 4,846,484) and in view of Bell (U.S. Pat. No. 5,123,802), Somers et al. (U.S. Pat. No. 3,625,545), Nowell (U.S. Pat. No. 4,900,215), and French Patent No. 2043880. The same claims 1, 4, 22, 45, 48-51, and 54-57 were again rejected under 35 U.S.C. 103(a) based on Matovich (U.S. Pat. No. 4,491,452) in view of Bell et al. (U.S. Pat. No. 5,123,802) and British Patent No. 2,126,632.

Applicant respectfully traverses the above rejections for the reasons set forth below.

First, there is no teaching, motivation, or suggestion to combine the references cited by the Examiner to obviate the claimed invention. The invention is generally directed to lifting a motorcycle and being able to move the motorcycle with ease. As noted by the Examiner in paragraph 8 of the Office Action dated January 28, 2004, Nekola lacks the chocks to mount a

motorcycle and an actuator for a pair of wheels. That is, Nekola is directed to a dolly for lifting front or back end of a car. There is nothing in the Nekola reference to suggest that the dolly base assembly 130 can be used to lift a motorcycle.

With regard to Bell and Somers, they are directed to towing a motorcycle. With respect to the French patent, it appears to be directed to a trailer, but it is certainly not directed to an apparatus for lifting and transporting a motorcycle. As such, Nekola, the primary reference cited by the Examiner, is directed to a different field of art than the secondary references cited by the Examiner, i.e., Bell, Somers, nor the French patent. As such, there is no teaching, motivation, or suggestion to combine Nekola with Bell, Somers, nor the French patent to obviate the Applicant's claimed invention. The Examiner indicated that there is motivation to combine the cited references because "[t]he motivation is to transport a motorcycle." This assertion, however, is not accurate because Nekola does not suggest that the dolly can be used for transporting a motorcycle.

Second, even if the references cited by the Examiner could be combined, these references do not obviate the claimed invention. With regard to claim 1 of the present application, Nekola does not teach or suggest "a first front chock adapted to associate with the front side of a first wheel of a cycle" nor "a first rear chock adapted to associate with the back side of a second wheel of the cycle" because Nekola is directed to towing a car rather than a cycle. With regard to Bell, it does not teach or suggest "a pair of cradle bars releasably coupled to the first front and first rear chocks wherein the first and second wheels are positioned between the pair of cradle bars." Note that in Bell, the bars 29 and 30 are two pieces rather than a cradle bar that couples to the first front and first rear chocks. In addition, Bell teaches lifting the cycle along the arm 8 rather than coupling a dolly to the "first end of each of the cradle bars." With regard to Somers, it does not teach or suggest that "a dolly [is] adapted to couple a first end of each of the cradle bars extending from the first front chock," as recited in claim 1.

In particular, with regard to dependent claim 18, none of the references teach or suggest, using a dolly to lift a motorcycle and using the dolly to roll the motorcycle on to a bed of a tow truck. Again, Nekola teaches lifting one end of a car not rolling a cycle on to a bed of a tow truck. Bell teaches lifting a cycle using a wheel lift 2 rather than using a dolly to raise the first wheel or the second wheel of the cycle, than rolling a motorcycle using a dolly on to a bed of a

tow truck. Somers teaches rolling the motorcycle itself on to a trailer but it does not teach using a dolly to do so. With regard to Christ and Scott, a motorcycle is first loaded onto a motorcycle dolly (Scott) or a load cart (Christ), then the motorcycle dolly or the load cart is rolled onto the back bed of a tow truck. As such, neither Christ nor Scott in combination with other references teach or suggest where the dolly is used to raise the wheel of the motorcycle then rolling the motorcycle onto a bed of a tow truck.

Accordingly, independent claim 1 and its dependent claims 4 and 18 are allowable over the cited references. In addition, none of the references teach or suggest dependent claims 56 and 57, with the limitation that the dolly is on the front side of the wheel when the dolly is coupled to the cradle bars.

With regard to independent claim 22, none of the cited references teach or suggest a method of transporting a cycle by assembling the first and second cradle bars, and the first and second rear chocks around the cycle as recited in claim 22. Nekola teaches a wheel cradling assembly around the front wheels of a car rather than a cycle. Bell teaches lifting a cycle along the middle of the arm 8 rather than coupling a dolly to first end of each of the first and second cradle bars, as recited in claim 22. Somers teaches rolling the cycle into the trailer. Accordingly, independent claim 22 and its dependent claim 45 are in condition for allowance over the cited references. In particular, none of the references teach or suggest newly added dependent claims 56 and 57, with the limitation that the dolly is on the front side of the wheel when the dolly is coupled to the cradle bars.

With regard to independent claim 48, none of the cited references teach or suggest coupling the first dolly to the first and second cradle bars in **front** of the first wheel; and coupling the second dolly to the first and second cradle bars so that it is in **back** of the second wheel. For instance, Nekola teaches a wheel cradling assembly for a car rather than a cycle. Bell teaches lifting a cycle along the middle of the arm 8. In contrast, independent claim 18 is directed to coupling a first dolly to the front of the first wheel and coupling the second dolly to the back of the second wheel. Somers teaches rolling the cycle into the trailer rather than using a dolly. Accordingly, claim 48 along with its dependent claims 49-52 are allowable over the cited references.

With regard to claims 54 and 55, they are allowable for the similar reasons set forth in claims 1 and 22, respectively.

Claims 1, 4, 18, 22, 45, and 48-51 were once again rejected under 35 U.S.C. § 103(a) as being unpatentable over Matovich in view of Bell et al., and British Patent #2,326,632. Applicant notes that Matovich and the British Patent were extensively distinguished from the claimed invention in the Appeal Brief filed on February 18, 2003. In response to the Appeal Brief, the Examiner withdrew the finality of the office action dated December 18, 2002, in view of the new ground of rejection. The only new ground of rejection in this office action is citation of Bell (U.S. Patent No. 4,295,777). As such, arguments set forth in the Appeal Brief are incorporated by reference into this response with the following additional arguments.

First, Bell is directed to lifting and repositioning of heavy rolls of sheet materials such as carpet rolls and the like. In contrast, Matovich is directed to lifting an automobile or objects like air conditioning units. See Col. 1, lines 13 and 14, and Col. 4, lines 50 and 51. As such, there is no teaching, motivation, or suggestion to combine the Bell with Matovich and/or the British Patent to obviate the claimed invention. Moreover, the Examiner does not provide relevant evidence to suggest that the cited references can be combined.

Second, the Examiner refers to chocks 82 and 84 as shown on Fig. 5 of Matovich, which are positioned on the side of the tire. In contrast, claim invention recites that the chocks are on the front side or back side of the wheel. Accordingly, claims 1, 4, 18, 22, 45, and 48-51 are in condition for allowance over the cited references.

C. Rejection of Claims 18 and 52:

Claims 18 and 52 have been rejected as being obvious under 35 U.S.C. 103(a) based on Matovich in view of Bell et al., British Patent No. 2,326,632, and in further view of Scott and Christ. For the reasons set forth above, claims 18 and 52 are allowable over the cited references.

In view of the foregoing, it is respectfully submitted that the claims in the application patentably distinguish over the cited and applied references and are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representative at (213) 689-5176 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1853. Should such additional fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefore.

Respectfully submitted,



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